

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DARRELL MATHIEU,
Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,
INC.,
Defendant.

Case No. [5:15-cv-03053-EJD](#)

ORDER TO SHOW CAUSE

On April 3, 2015, Plaintiff Darrell Mathieu ("Plaintiff") filed the Complaint underlying this action. To date, however, the docket does not contain a proof of service or waiver of service for Defendant Experian Information Solutions, Inc. ("Experian"). Nor has Experian appeared in this action.

The currently-effective version of Rule 4(m) of the Federal Rules of Civil Procedure provides in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.


The 120-day period for service provided by Rule 4(m) expired on August 1, 2015. Accordingly, the court issues the instant Order to Show Cause ("OSC") requiring that Plaintiff, no later than **October 8, 2015**, either: (1) file documents to show proof of service of the Summons and Complaint on Experian; or (2) explain in writing why service has not been accomplished. No hearing will be held on the order to show cause unless otherwise ordered by the court.

Plaintiff is notified that the court will dismiss Experian if Plaintiff fails to comply with this OSC or otherwise fails to show good cause as directed above.

In light of this order, the Case Management Conference scheduled for October 8, 2015, is VACATED.

IT IS SO ORDERED.

Dated: October 5, 2015


EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California